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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,253	02/17/2004	Jay Garfinkle	03-703	9648
20306	7590	06/15/2006	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			EPPS, TODD MICHAEL	
300 S. WACKER DRIVE			ART UNIT	
32ND FLOOR			PAPER NUMBER	
CHICAGO, IL 60606			3632	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/780,253	Applicant(s) GARFUNKLE, JAY	
	Examiner Todd M. Epps	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| ✓ 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for serial number 10/780,253, Table Base, filed on February 17, 2004.

Continued Prosecution Application

Receipt is acknowledged of the "conditional" request for a Continued Prosecution Application (CPA) filed on May 3, 2006 under 37 CFR 1.53(d) based on prior Application No. 10/780,252. Any "conditional" request for a CPA submitted as a separate paper is treated as an unconditional request for a CPA. Accordingly, the request for a CPA application is acceptable and a CPA has been established. An action on the CPA follows.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the set screw is oriented radially to the column end must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

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is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2, 5-10, 12-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,010,922 to Heller et al. (Heller) in view of U.S. Patent No. 6,517,043 to Cahill.

Heller '922 discloses a base (12) having an aperture with internal threads (fig. 2), wherein the base may rest upon the floor; a spider plate (22) having an aperture with internal threads (fig. 1), wherein the spider may directly receive a table top; and a column (10) having an external surface, a first end having threads on the external

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surface (fig. 2), a second end having threads on the external surface (fig. 2); wherein the base (12) has a central hub surrounding the aperture (fig. 2), and has a plurality of support veins (50); wherein each of the plurality of support veins terminates in a floor pad (90); wherein the central hub of the spider plate is adapted to receive a set screw (28); wherein the spider plate (22) has a central hub surrounding the aperture (fig. 1-2), and has a plurality of unitary support arms (25); wherein each of the plurality of unitary support arms (25) has a plurality of screw holes (36); further wherein each unitary support arm is of substantially equal length; wherein the central hub of the spider plate (22) is adapted to receive a set screw (fig. 2); wherein the base and spider plate are manufactured from iron, and how the iron is formed is a limitation on the method of making not on the product; and wherein the column is a tube, and is manufactured from steel, and wherein the spider plate is unitary structure. However, Heller '922 teaches the previous invention failing to specifically teach a first set screw for engaging the first column end to the corresponding base and a second set screw for engaging the second column end to the spider plate, wherein the set screw is oriented radially to the column end, and wherein the column is adapted to received the set screw. Nevertheless, Cahill '043 discloses a set screw for engaging the first column end to the base, and wherein the set screw is oriented radially to the column end.

Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have modified the base of Heller '922 with the set screw as taught by Cahill '043 wherein doing so would provide thereof for superior mounting and

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to lock the first column ends to the corresponding base and in additional to lock the second column end to the corresponding spider plate.

Claims 3, 4, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller '922 in view of Cahill '043, and in further view of U.S. Patent No. 5,680,732 to Skouras.

Heller '922 in view of Cahill '043 discloses the previous invention failing to teach wherein the base has a plurality of unitary support veins extending from the central hub. Nevertheless Skouras '732 discloses a base (1) with a plurality of unitary support veins extending from the central hub; and wherein each unitary support vein is of substantially equal length. Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have modified the base of Heller '922 in view of Cahill '043 with the base as taught by Skouras '732 because one would have motivated to enhance the structural strength and rigidity of the base.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heller '922 in view of Cahill '043 and in further view of U.S. Patent No. 4,081,012 to Wallace.

Regarding claim 11, Heller '922 teaches the previous invention wherein the column having threads on the external surface on both ends, but fails to specifically teach threads having an adhesive. Nevertheless, Wallace '012 teaches the well-known concept of having an adhesive on threads (fig. 1). Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have

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modified the threads of Heller '922 with an adhesive on threads as in Wallace '012 so as to provide for superior mounting of the column on a vertically extending object.

Response to Arguments

Applicant's arguments filed May 3, 2006 have been fully considered but they are not persuasive.

Applicant argues "Heller does not disclose a base rest upon the floor". The Examiner completely disagrees. Attention is directed to the applicant's claim 1, wherein the base **may** rest upon the floor. According to Merriam-Webster's Collegiate Dictionary *tenth edition*, the word "may" means – used to indicate possibility or probability. With Heller's reference, the base may contact the floor upon heavy load on top of base. Nevertheless, the applicant's drawings do not disclose wherein the base rests upon the floor.

Next, applicant argues "Heller does not disclose wherein the spider plate has a plurality of unitary support arms extending from the central hub". The Examiner completely disagrees. According to Merriam-Webster's Collegiate Dictionary *tenth edition*, the word "unitary" means – relating to a unit; based on or characterized by unity or units. Attention is directed to figure 2 of Heller's reference, the spider plate (22) has a plurality of unitary support arms (25). In other words, the spider plate and the support arms are in one piece called unitary.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Todd M. Epps
Patent Examiner
Art Unit 3632
June 9, 2006

Joey Wujciak
Primary Examiner
Art Unit 3632

